

**Notice of Allowability**

Application No.

09/825,910

Examiner

Jurie Yun

Applicant(s)

MULLER ET AL.

Art Unit

2882

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 12/7/04.
2. ☒ The allowed claim(s) is/are 1-10 and 17-21.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

### **DETAILED ACTION**

1. The amendment and drawings filed 12/7/04 have been entered.

#### ***Priority***

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

#### ***Response to Arguments***

3. Applicant's arguments filed 12/7/04 have been fully considered and are persuasive. The rejections have been withdrawn.

### **EXAMINER'S AMENDMENT**

4. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Jay L. Chaskin on 6/26/06.

The application has been amended as follows:

In claim 1, line 11, delete "the compression element" and replace with --the means for compression--

#### ***Allowable Subject Matter***

5. Claims 1-10 and 17-21 are allowed.
6. The following is an examiner's statement of reasons for allowance: Prior art fails to disclose a radiological imaging device, comprising the means for calculation including

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means for optimizing image quality over a particular area defined by the compression element, as claimed in claim 1. Claims 2 and 3 are allowed due to their dependency on claim 1.

Prior art fails to disclose a radiological imaging device, comprising the means for calculation including means for optimizing image quality over a particular area defined by the element, as claimed in claim 4. Claim 5 is allowed due to its dependency on claim 4.

Prior art fails to disclose a radiological imaging method, in which a compression element for an object is mounted on a radiological device having means for emission of an X-ray beam and means for receiving the X-ray beam after the beam has crossed the object to be studied and means for calculation for controlling the means for emission and for processing data from the means for receiving, comprising the steps for processing the first radiological image in order to optimize image quality over a particular area defined by the compression element, as claimed in claim 6. Claims 7-9 are allowed due to their dependency on claim 6.

Prior art fails to disclose a radiological imaging process, in which an element having a given X-ray absorption is placed in a path of an X-ray beam of a radiological device, the radiological device comprising means for emission of the X-ray beam and means for receiving the X-ray beam after the beam has crossed an object to be studied and means for calculation for controlling the means for emission and for processing data from the means for receiving, comprising the steps for processing the first

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radiological image in order to optimize image quality on a particular area defined by the element, as claimed in claim 10.

Prior art fails to disclose an article of manufacture comprising a computer useable medium having computer readable program code means embodied therein for taking a first radiological image by a device having means for emission of an X-ray beam and means for receiving the X-ray beam after the beam has crossed an object to the studied, the computer readable program code means processing the first radiological image for optimizing the image quality over a particular area defined by the means for compression, as claimed in claim 17. Claims 18-20 are allowed due to their dependency on claim 17.

Prior art fails to disclose a program storage device readable by a machine, tangibly embodying a program of instructions executable by the machine to perform method steps for taking a radiological image of an object, the method steps comprising applying a set of rules to the limited histogram in order to determine a WL brightness level, and obtaining a WW contrast from the WL brightness level and possible from one or more parameters chosen by the user or fixed a priori, as claimed in claim 21.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

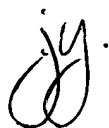
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**Conclusion**

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jurie Yun whose telephone number is 571 272-2497. The examiner can normally be reached on Monday-Friday 8:30-5:00pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ed Glick can be reached on 571 272-2490. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Jurie Yun  
Examiner  
Art Unit 2882

June 16, 2006



**EDWARD J. GLICK**  
**SUPERVISORY PATENT EXAMINER**